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Transparency and confidence-building measures in outer space activities

Report of the Secretary-General

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I. Introduction

1. In paragraph 2 of its resolution 64/49, on transparency and confidence-building measures in outer space activities, the General Assembly invited all Member States to continue to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space. In paragraph 3 of the same resolution, the General Assembly requested the Secretary-General to submit to the General Assembly at its sixty-fifth session a final report with an annex containing concrete proposals from Member States on international outer space transparency and confidence-building measures pursuant to resolutions 61/75, 62/43, 63/68 and the present resolution.

2. On 26 February 2010, a note verbale was sent to all Member States drawing their attention to paragraphs 2 and 3 of resolution 64/49 and seeking relevant information on the issues outlined above by 31 May 2010. By 31 May 2010, Cuba, Oman, Qatar and Ukraine sent replies, the texts of which are reproduced below. The Office for Disarmament Affairs subsequently received replies from Argentina, Australia and Panama, which are reproduced in section II below. Additional replies received from Member States will be posted on the website of the Office for Disarmament Affairs in the original language received, if so requested and agreed by the relevant Member States.

3. The replies received from Argentina, Canada, China, Colombia, Cuba, Czech Republic (on behalf of the States Members of the United Nations that are members of the European Union), Lebanon, Mexico, Nicaragua, Qatar, Russian Federation, Syrian Arab Republic and Ukraine, in response to resolution 63/68 and previously circulated in the report of the Secretary-General (A/64/138 and Add.1) are reproduced in section III below.

4. The replies received from Bangladesh, Chile, Cuba, France (on behalf of the European Union), Qatar and Ukraine, in response to resolution 62/43 and previously circulated in the report of the Secretary-General (A/63/136 and Add.1) are reproduced in section IV below.

5. The replies received from Austria, Bangladesh, Bolivia, China, Cuba, Kenya, Libyan Arab Jamahiriya, Mexico, Portugal (on behalf of the European Union), Russian Federation and Ukraine, in response to resolution 61/75 and previously circulated in the report of the Secretary-General (A/62/114 and Add.1) are reproduced in section V below.

II. Replies received from Governments in response to resolution 64/49

Argentina

[Original: Spanish]
[3 June 2010]

1. The Argentine Republic is of the view that the existing legal system has proven incapable of averting the danger of the militarization of outer space.

2. It believes that, as a first step, progress must be made towards adopting transparency and confidence-building measures as a significant contribution to creating an atmosphere of understanding and cooperation that will help prevent an arms race in outer space.

3. The process of updating the principles of satellite-based remote sensing of the Earth should begin. The existing principles, which were adopted by a General Assembly resolution in 1986, are no longer suited to the present situation. In particular, they do not provide developing countries with access to the information gathered. Part of the updating process could be to consider establishing the programme of the United Nations Platform for Space-based Information for Disaster Management and Emergency Response, which was considered by the Committee on the Peaceful Uses of Outer Space.

4. Furthermore, it would be appropriate to undertake negotiations in the Conference on Disarmament on an international legal instrument banning the deployment of weapons in outer space. The adoption of such a negotiating mandate, whose scope and significance would be determined by negotiation among the parties, would confirm the will of the international community to avoid an arms race in outer space. Argentina supports the proposal by the Russian Federation and the People's Republic of China to negotiate, in the Conference on Disarmament, a treaty banning weapons in outer space.

5. Unilateral, bilateral, regional and global mechanisms should be established for the provision of information in order to give transparency to space programmes being carried out by States. This could include inviting observers to launches of space objects, demonstrating space technologies and rockets, and notifying of space-vehicle launches and manoeuvres.

6. To that end, the General Assembly could consider setting up a group of governmental experts on outer-space confidence-building measures to determine the scope, focus and terms of reference for the establishment under the United Nations of a mechanism, system or unified voluntary registry of space activities, including notifications. The group's work could be based on existing treaties, codes, principles and global or regional initiatives, including, for example, the mechanism for annual reporting under the Hague Code of Conduct against Ballistic Missile Proliferation.

Australia

[Original: English]
[22 June 2010]

1. The Australian Government, recalling the Outer Space Treaty of 1967, recognizes the need for a safe, secure and peaceful outer space environment, and supports the need for responsible, transparent and rules-based conduct in outer space. Australia is also opposed to an arms race in outer space. Australia believes that all nations have a right to unhindered access to outer space for peaceful purposes, and that States should avoid taking actions that jeopardize such access, endanger the manned or unmanned space assets of other nations or put the peaceful use of space at risk.

2. Though Australia has no specific concrete proposal at this time, it welcomes the facilitative steps made by the United Nations and its Member States towards

establishing effective transparency and confidence-building measures in the peaceful uses of outer space. Australia is currently undertaking the development of its first comprehensive national space policy, and this process may result in Australia elaborating further its position on these issues.

Cuba

[Original: Spanish]
[14 May 2010]

1. The General Assembly, by its resolution 64/49, invited all Member States to continue to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space. In response to that invitation, the Government of Cuba wishes to transmit the following views.

2. The prevention of an arms race in outer space is a long-standing requirement of the international community in view of the grave danger it poses to international peace and security. There are various international legal instruments for that purpose, including the Partial Test Ban Treaty (1963), the Outer Space Treaty (1967) and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979).

3. From the outset, those instruments have been an effective means of promoting the peaceful use of outer space and regulating space activities. They have also been important in prohibiting the deployment of weapons of mass destruction and certain military activities in outer space. The current complex international climate demonstrates that the measures adopted are inadequate.

4. Cuba supports the efforts being made by the General Assembly and the Conference on Disarmament, and particularly the need to start negotiations on an international legal instrument banning the deployment of weapons in outer space. In that regard Cuba favours the urgent establishment of an ad hoc committee within the Conference on Disarmament to initiate the negotiations.

5. To that end, Cuba supports the joint initiative put forward on 12 February 2008 by the Russian Federation and the People's Republic of China in the Conference on Disarmament for the adoption of a draft treaty to ban weapons in outer space and the use or threat of force against objects in outer space. This initiative is an important contribution to the work of the Conference and provides a sound basis for subsequent debate on the adoption of a legally binding instrument.

6. The deployment of anti-ballistic missile defence systems and the threat to deploy weapons in outer space have contributed to the erosion of the international climate and hamper the promotion of disarmament and the strengthening of international security.

7. The abrogation of the Anti-Ballistic Missile Treaty presents new challenges to strategic security and the prevention of an arms race in outer space. The deployment of a national anti-ballistic missile defence system could unleash an arms race and lead to the development of advanced missile systems and the proliferation of nuclear weapons.

8. Unfortunately, a considerable number of objects currently located in outer space are for military or espionage purposes and increase the generation of space debris.

9. Cuba reiterates that the revision of the legal framework for outer space should rectify the existing deficiencies regarding its definition, regulations on space debris and the use of nuclear power sources in space. In addition, there is a need to establish clearly the responsibilities of Governments and others involved in current and future space activities.

10. The joint group of experts of the Scientific and Technical Subcommittee of the Committee on the Peaceful Uses of Outer Space and of the International Atomic Energy Agency has carried out positive work with a view to elaborating a security framework for the use of nuclear power sources in outer space. Its report should help to speed decisions for more effective control of those sources, as well as measures to limit their use in cases where other technologies exist, particularly in earth orbit, in the light of the heightened dangers they pose at the end of their useful life or in the event of collisions, the generation of space debris or re-entry into the Earth's atmosphere.

11. Cuba reiterates that until there are tangible results regarding the security framework for the use of nuclear power sources in outer space, their use should be restricted as much as possible. In any case, such use should be accompanied by the full and transparent provision of information to other States, including an explanation of the measures taken to guarantee their safety.

12. Transparency and confidence-building measures are no substitute for arms control and disarmament measures; nor are they a precondition for implementation of the latter. Nonetheless, they can facilitate the implementation of disarmament agreements and arms verification. Measures could include:

- Convening an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space;
- Reviewing the current legal system governing activities in outer space, in the light of technological advances, which action has been constantly blocked by some States in the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space;
- Concluding multilateral agreements for the exchange of information related to the use of outer space;
- Developing international cooperation mechanisms that guarantee all countries equal access to the benefits of the peaceful uses of outer space;
- Exchanging information on States' main policy directions on outer space, major programmes for research and for the use of outer space, and the orbital parameters of space objects;
- Inviting observers to launches of space objects, on a voluntary basis;
- Demonstrating space technologies and rockets;
- Providing notification of scheduled launches of space vehicles, planned space manoeuvres that might come dangerously close to space vehicles of other States and the re-entry of guided space vehicles from orbit into the atmosphere;

- Conducting consultations to clarify information provided on programmes for research and for the use of outer space, on ambiguous situations and on other matters of concern and to examine the implementation of agreed transparency and confidence-building measures for space-based activities.

13. Transparency and confidence-building measures can play an important role in the drafting, approval and implementation of a possible treaty banning the deployment of weapons in outer space and the use or threat of force against space objects. They would also help create favourable conditions for the conclusion of a new agreement.

Oman

[Original: English]
[18 May 2010]

The Permanent Mission of Oman to the United Nations has the honour to inform that the Omani Committee on Civil Aviation suggests the following measures for transparency and confidence-building measures in outer space activities:

1. Provision of all information relating to the activities of outer space by countries working in this area to ensure clarity and transparency;

2. Declaration of all outer space activities that may affect air traffic, human lives and the environment in a way that maintains the national sovereignty of the States;

3. Enactment of legislations incorporating provisions for compensation in case of any damage, including communication systems when requested to be changed and control them;

4. Agreement on semantics and nomenclatures internationally and clearly in all languages;

5. Emphasis of the importance of maintaining outer space as a zone free of weapons, and urging of States that have not become signatories to conventions and treaties on disarmament of outer space to do so;

6. Underscoring that international space law, conventions and the relevant principles be considered as legal references for arbitration;

7. Encouragement of regional and international joint space programmes and provision of universal access through memorandums of understanding, qualifying constructive cooperation between countries.

Panama

[Original: Spanish]
[22 June 2010]

With regard to General Assembly resolution 64/49, we consider it prudent to avoid an arms race in outer space and to support transparency and confidence-building measures among countries as essential factors for the maintenance of peace.

Qatar

[Original: English]
[12 May 2010]

1. The State of Qatar urges States to make their outer space activities public in order to guarantee that no arms race occurs, and that its use remains restricted to peaceful activities that benefit humanity. This should be done through measures that target the promotion of transparency and a mechanism for verification of information announced.

2. The State of Qatar deems it important to articulate a definition of air space and to define its boundaries with outer space.

Ukraine

[Original: Russian]
[12 May 2010]

Ukraine, as a space Power, is interested in keeping outer space free from weapons and military activities. Outer space is the heritage of all humanity and should therefore be used for peaceful purposes. Our Government has consistently advocated the prevention of the militarization of outer space and opposed the placement of any weapons of mass destruction in outer space.

Ukraine, like the Russian Federation, acknowledges that outer space may be used in the interests of national security, to monitor compliance with international disarmament treaties and agreements (space observation systems), to avert a missile attack (systems for detecting missile launches), to direct armed forces and conduct day-to-day and military operations (systems for communication, determination of location, conduct of meteorological, geodetic and cartographic activities, and the like). However, outer space activities should not be directed towards transforming outer space into a potential arena of military action. In the view of Ukraine, it is time to institute a complete ban on the placement and use of weapons of any kind in outer space.

In that connection, we support the view of the Russian Federation that a ban on the placement of weapons in outer space and the development of transparency and confidence-building measures would enhance the predictability of a strategic situation and the preservation of orbital property, a matter which interests all States using outer space for development purposes.

Ukraine welcomes the draft resolution on transparency and confidence-building measures in outer space activities put forward by the Russian Federation and China in the General Assembly and adopted by consensus on 29 October 2009 at its sixty-fourth session. Our country shares Russia's view that the resolution will serve as a further step towards the conclusion of a comprehensive international legal instrument prohibiting the use of force against space objects.

Ukraine also supports the initiative of the Russian Federation and China regarding the need to conclude a treaty banning the placement of weapons in outer space.

Ukraine is convinced that broad international cooperation in the exploration of outer space will strengthen mutual trust among States and will help to promote their collaboration in all spheres of international life. Ukraine takes the view that concrete transparency and confidence-building measures can be attained through international cooperation on the basis of the exchange of information and data. In that regard, Ukraine:

- Reports to the Secretary-General annually on the nature, progress and results of its outer space activities;
- Systematically provides data on space objects that have been launched and on those whose life in orbit has ended;
- Regularly provides information to the international community through the official website of Ukraine's National Space Agency on the number, generic class and payload of space launch vehicles launched;
- Regularly provides the Executive Secretariat of the International Code of Conduct against Ballistic Missile Proliferation with advance notification of the launch of Ukrainian launch vehicles in the context of the Sea Launch programme and with annual statements on Ukraine's policies regarding the launch of space launch vehicles and ballistic missiles.

The International Code of Conduct against Ballistic Missile Proliferation (The Hague Code of Conduct) was adopted in 2002 at an international conference in The Hague. Although that instrument is not legally binding, we are convinced that it has nevertheless been an important step towards ensuring security in outer space. In that regard, Ukraine proposes that the information in the annual statements, which reflect the policies of States subscribing to the Hague Code of Conduct, should be used to prepare a consolidated annual report to the Secretary-General.

In the view of Ukraine, States should strictly comply with the provisions of the international treaties to which they are parties, namely:

- The basic United Nations treaties on outer space (especially taking into account the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967, and article IV of the Convention on Registration of Objects launched into Outer Space, of 14 January 1975);
- The Comprehensive Nuclear-Test-Ban Treaty, of 24 September 1996;
- The Treaty Banning Nuclear Weapons Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.

Ukraine welcomes and supports the work of the multilateral non-proliferation regimes (the Missile Technology Control Regime, the Nuclear Supplier Group, the Zangger Committee, the Australia Group and the Wassenaar Arrangement), and considers that the States participating in those regimes should comply with the provisions of their guiding documents with a view to ensuring transparency and building trust. Ukraine also supports the initiative for a European code of conduct for outer space activities.

III. Replies received from Governments in response to resolution 63/68

Argentina

[Original: Spanish]
[28 May 2009]

1. The General Assembly, in its resolution 63/68, on transparency and confidence-building measures in outer space activities, invited Member States to submit concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. The preliminary comments of the Argentine Republic in the matter are as follows:

(a) The Argentine Republic is of the view that the legal system has proven incapable of averting the danger of the militarization of outer space;

(b) It believes that, as a first step, progress must be made in adopting transparency and confidence-building measures as a significant contribution to creating an atmosphere of understanding and cooperation that will help prevent an arms race in outer space;

(c) The process of updating the principles of satellite-based remote sensing of the Earth should begin. The existing principles, adopted by the General Assembly in 1986 in a resolution, are no longer suited to the present situation. It should be noted, in particular, that those principles contain provisions that do not give developing countries access to the information gathered. Part of the updating process could be to consider establishing the programme of the United Nations Platform for Space-based Information for Disaster Management and Emergency Response, which was considered by the Committee on the Peaceful Uses of Outer Space;

(d) Furthermore, it would be advisable that negotiations be undertaken in the Conference on Disarmament — the sole multilateral disarmament negotiating forum — on an international legal instrument banning the deployment of weapons in outer space. Such an instrument would have substantial scope and significance as the outcome of negotiations between the parties; furthermore, its adoption would confirm the will of the international community to avoid an arms race in outer space. Argentina supports the proposal by the Russian Federation and the People's Republic of China to negotiate, in the Conference on Disarmament, a treaty on a space weapons ban;

(e) Establishment of unilateral, bilateral, regional and global mechanisms for the provision of information in order to give transparency to space programmes being carried out by States. This could include inviting observers to launches of space objects, demonstrating space technologies and rockets, notification of space vehicle launches and manoeuvres, etc.;

(f) To that end, the General Assembly could set up a group of governmental experts on outer space confidence-building measures to establish the scope, focus and terms of reference for the establishment, under the United Nations, of a

mechanism, system or unified voluntary registry of space activities, including notifications. The group's work could be based on the relevant existing treaties, codes, principles and global or regional initiatives, including, for example, the mechanism for annual reporting under the Hague Code of Conduct on the launching of ballistic missiles and space launch vehicles.

Canada

[Original: English]
[27 August 2009]

1. Outer space plays an essential role in all aspects of our everyday life and is becoming increasingly important for our national and economic security. Canada is committed to the maintenance of international peace and security in outer space in order to ensure that outer space remains free for exploration and use, for the benefit and the interest of all countries.

2. Physical conflict in outer space should be prohibited if nations want to continue to benefit from the peaceful uses of space. Any physical conflict that can cause damage or destruction has the potential to create long-lived space debris or derelicts, whose subsequent collisions may create additional space debris and pose a threat to vital State assets, which may be critical for national security. Economic and scientific assets, which are of significant importance to global economic growth and scientific understanding, may also be compromised.

3. A possible transparency and confidence-building measure could be for nations to pledge:

(a) To ban the placement of weapons in outer space;

(b) To prohibit the testing and use of weapons on satellites so as to damage or destroy them;

(c) To prohibit the use of satellites themselves as weapons.

4. This pledge would follow the 13 June 2006 statement by Mr. John Mohanco, Deputy Director of the Office of Multilateral Nuclear and Security Affairs of the United States Department of State, at the Conference on Disarmament, stating that the United States has no plans to build space weapons.[1]

5. This pledge would also follow the 8 June 2006 statement by Ms. Fiona Paterson, Deputy Permanent Representative of the United Kingdom of Great Britain and Northern Ireland to the Conference on Disarmament, at the Conference on Disarmament, reiterating that the United Kingdom has no plans to deploy weapons in space.[2]

6. This pledge would further follow the 1 February 2005 statement by Ambassador Leonid Skotnikov of the Russian Federation to the Conference on Disarmament, articulating that Russia would not be the first nation to place a weapon in outer space.[3]

[1] CD/PV.1025.
[2] CD/PV.1024.
[3] CD/PV.970.

7. The international community has the opportunity to preserve outer space for peaceful purposes through a prohibition on physical conflict in outer space, prior to hostilities ever erupting in this domain. Canada therefore calls upon all nations to initiate the process to achieve this aim by announcing their respective pledges in an appropriate forum.

8. In a statement by Ambassador Marius Grinius on 26 March 2009, Canada put forward the proposal that such security guarantees developed within the Conference on Disarmament could become a foundation for appropriate legal protections.[4]

China

[Original: Chinese and English]
[19 September 2009]

1. China supports resolution 63/68 adopted by the General Assembly at its sixty-third session. Detailed ideas and relevant proposals on transparency and confidence-building measures in outer space activities have been reflected in the joint working paper submitted to the Conference on Disarmament by China and the Russian Federation in 2006 as contained in document CD/1778.

2. China is of the view that appropriate transparency and confidence-building measures in outer space are conducive to reducing possible misunderstandings among countries with regard to their respective activities in outer space, increasing mutual trust, and facilitating international cooperation on peaceful uses of outer space and, to some degree, are helpful to guaranteeing the security of outer space activities and realizing the goal of prevention of an arms race in outer space. In fact, commitment to refrain from placing weapons in outer space and to prevent the weaponization of and an arms race in outer space per se would be one of the most important transparency and confidence-building measures in outer space activities. However, transparency and confidence-building measures are not legally binding, thus cannot plug the loopholes in existing international legal instruments. These measures can be complementary to a negotiated international legal instrument on preventing the weaponization of and an arms race in outer space, but cannot replace the legal instrument.

3. China believes that the best way to prevent the weaponization of and an arms race in outer space is to conclude a new international legal instrument through negotiation. In recent years, China, together with the Russian Federation and many other countries, has been actively promoting in the Conference on Disarmament the negotiation and conclusion of an international legal instrument on preventing the weaponization of and an arms race in outer space. In February 2008, China and the Russian Federation jointly submitted to the Conference on Disarmament a draft treaty on the prevention of the placement of weapons in outer space, and the threat or use of force against outer space objects, which has been welcomed by the majority of the members of the Conference on Disarmament. China hopes that the Conference on Disarmament will start substantive work and formal negotiation on the draft treaty as soon as possible.

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[4] "Statement by Canada in the CD On Tabling of Canada's Working Paper on TCBMs for Space Security", Ambassador Marius Grinius, 26 March 2009, http://www.unog.ch/80256EDD006B8954/(httpAssets)/354F156CA8A8D44FC1257585003D51EF/$file/1134_Canada_Space_E.pdf (accessed 6 July 2009).

4. China will continue to make joint efforts with all countries to actively promote the prevention of weaponization of and an arms race in outer space and to commit itself to maintaining peace and security in outer space.

Colombia

[Original: Spanish]
[29 May 2009]

Statement of problem

1. Currently, the activities that can take place in outer space help to improve the quality of human life through the establishment of operational communications, weather forecasting, disaster early warning, environmental monitoring, distance education and global navigation satellite systems, among other things.

2. The United Nations promotes the creation of regulatory mechanisms to ensure that all of those activities are carried out solely for peaceful purposes "by all countries regardless of their degree of economic or scientific development, without detriment to the security of any State, and in keeping with the spirit, intent and purpose of the treaty containing the principles governing activities involving the uses of outer space".

3. The General Assembly created the Committee on the Peaceful Uses of Outer Space, which comprises 61 Member States and coordinates the activities of the United Nations in that area.

4. Nevertheless, the international community is concerned about outer space activities that may involve the deployment of military systems, which could unleash an arms race, and the use of nuclear power sources in outer space. This situation is a reality because the legal system that applies to outer space is insufficient to guarantee its non-militarization.

5. These activities have undermined confidence in matters of outer space and are conducive to an arms race in space. That being the case, the consequences for the safety of the human race could be incalculable, since development and the free exploration and peaceful use of space may be affected.

Proposals on outer space confidence-building activities

6. As a consequence of the foregoing, international outer space transparency and confidence-building measures are necessary to ensure peace of mind for the international community. We therefore propose:

(a) Developing a mechanism whereby States periodically submit reports on the activities they are undertaking in outer space and the reasons for them;

(b) Creating a mechanism whereby States' activities in outer space can be verified;

(c) Finally, it is important to consider creating, with the help of international cooperation, a specially designed system for the detection and management of space debris.

Cuba

[Original: Spanish]
[2 July 2009]

1. The General Assembly, by its resolution 63/68, invited all Member States to continue to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space. In response to this invitation, the Government of Cuba wishes to convey the following considerations.

2. It was quite some time ago that the prevention of an arms race in outer space gave way to expressions of global concern about the grave danger to international peace and security that such an arms race would represent. As a consequence, the international community has established a number of legal instruments for that purpose, including the Partial Test Ban Treaty (1963), the Treaty on Peaceful Uses of Outer Space (1967) and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979).

3. Those instruments have played a positive role in promoting the peaceful use of outer space and in regulating space activities. They have also been important in prohibiting the deployment of weapons of mass destruction and certain military activities in outer space.

4. Cuba supports the efforts being made in that respect by the General Assembly and the Conference on Disarmament, in particular the negotiation in the Conference of an international legal instrument banning the deployment of weapons in outer space, and to that end it favours the urgent establishment of a special committee to start the negotiations. General Assembly resolution 63/68 is a very important contribution to the efforts to prevent an arms race in outer space.

5. At the recent ministerial meeting of the Coordinating Bureau of the Non-Aligned Countries held in Havana in April 2009, heads of State or Government expressed their concern about the negative consequences of developing and deploying anti-ballistic missile defence systems and seeking advanced military technologies that can be deployed in outer space, which could unleash an arms race and lead to the development of advanced missile systems and the proliferation of nuclear weapons.

6. Current international events are demonstrating, however, that these treaties are no longer enough to prevent the deployment of weapons in space. Unfortunately, a considerable number of objects now located in outer space are not intended to solve the problems of humankind, but instead are being used for military or espionage purposes and are adding to the generation of space debris. This is one of the main problems we are currently facing in outer space.

7. Last year, we witnessed the official submission to the Conference on Disarmament, in Geneva, of a joint initiative by the Governments of the Russian Federation and the People's Republic of China consisting of a draft treaty for a ban on weapons in outer space. This initiative, which has gained the support of various countries, seeks to ban not only space-based arms development, but also the use of force against satellites or any other type of space object.

8. Cuba reiterates that this is a concrete measure in the interest of maintaining international peace and security in outer space activities whose realization will require the support of the international community. Nevertheless, it is opposed by countries such as the United States of America, which has not given up plans for its anti-missile shield programme, which includes elements ranging from laser cannon to anti-satellite missiles.

9. Transparency and confidence-building measures are no substitute for arms control and disarmament measures, nor are they a precondition for implementation of the latter. Nonetheless, they can facilitate the implementation of disarmament agreements and arms verification. Measures could include:

- Convening an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space
- A review of the current legal system governing activities in outer space in the light of technological advances, which has been permanently blocked by some States in the Legal Subcommittee of the Committee on the Peaceful Uses of Outer Space
- Adoption of multilateral agreements for the exchange of information related to the use of outer space
- Development of international cooperation mechanisms that guarantee all countries equal access to the benefits of the peaceful uses of outer space
- Exchange of information on States' main policy directions on outer space, major space research programmes and programmes for the use of outer space, and the orbital parameters of space objects
- Inviting observers to launches of space objects, on a voluntary basis
- Demonstration of space technologies and rockets
- Notification of scheduled launches of space vehicles, planned space manoeuvres that may come dangerously close to the space vehicles of other States and the re-entry of guided space vehicles from orbit into the atmosphere
- Consultations to clarify information provided on research programmes and programmes for the use of outer space, on ambiguous situations and on other matters of concern and to examine the implementation of the transparency and confidence-building measures agreed upon for space-based activities.

10. With respect to the use of nuclear power sources in outer space, which is also a matter of international concern, Cuba believes that, until the safety framework is sufficiently clear and progress has been made towards more concrete agreements in that respect, this activity should be restricted as far as possible. This limited use should be accompanied by full and transparent information to other States explaining what measures have been taken to guarantee safety.

11. Transparency and confidence-building measures can play an important role in the drafting, approval and implementation of a new treaty banning the deployment of weapons in outer space and the use or threat of force against space objects. They will also help create favourable conditions for the conclusion of a new agreement.

Czech Republic (on behalf of the States Members of the United Nations that are members of the European Union)

[Original: English]
[28 May 2009]

Introductory note

1. The European Union considers that, in the context of expanding space activities that contribute to the development of nations, it is important to improve their security and the security of objects in space. The European Union continues to attach great importance to this issue and is committed to the development and implementation of transparency and confidence-building measures for the peaceful and secure use of outer space. The unprecedented collision between two satellites that occurred in the beginning of February 2009 clearly proved the usefulness of the pragmatic and concrete approach adopted by the European Union.

2. The European Union attaches great importance to the relevant existing agreements on outer space activities, which already provide a wide range of transparency and confidence-building measures, and sees them as the basis on which we should build upon.

3. The European Union voted in favour of General Assembly resolutions 61/75, 62/43 and 63/68 on transparency and confidence-building measures in outer space activities. The broad support garnered by these resolutions confirmed the importance of establishing a voluntary regime encompassing transparency and confidence-building measures based, inter alia, on the following principles:

(a) Freedom for all to use outer space for peaceful purposes;

(b) Preservation of the security and integrity of space objects in orbit;

(c) Due consideration for the legitimate security and defence interests of States.

4. The European Union also recognizes the work of the United Nations Committee on the Peaceful Uses of Outer Space. The Space Debris Mitigation Guidelines endorsed by the Committee in June 2007 and by the General Assembly in its resolution 62/217 are useful contributions to the preservation of the space environment. They are fully conformable with the aims of the European Union plan for a code of conduct for outer space activities.

5. The European Union also supports the initiative aimed at guaranteeing the long-term sustainability of space activities presented to the United Nations Committee on the Peaceful Uses of Outer Space as a proposed new agenda item. The continued involvement of numerous States, as well as commercial operators and relevant international organizations, reflects the interest in and importance that they attach to the search for concrete measures to strengthen the security of outer space activities. This initiative is fully consistent with and complementary to the European Union plan for a draft code of conduct for outer space activities. The European Union supports that, at the June 2009 main Committee meeting, the long-term sustainability of space activities be formally added to the 2010 agenda of the Committee's Scientific and Technical Subcommittee.

6. In the European context, a European code of conduct for space debris mitigation was adopted in 2004, aimed at reducing the generation of debris in outer space. Furthermore, the European Union adopted the European Space Policy, which is aimed at developing better coordination among the European Union, the European Space Agency and their member States.

Draft code of conduct for outer space activities

7. Following the joint reply to resolution 61/75, in which the European Union expressed its intention to propose a code of conduct on space objects and space activities, the European Union developed, at the expert level, a draft code of conduct for outer space activities, which was supported by the Council of the European Union on 8 and 9 December 2008.

8. The European Union believes that a voluntary code of conduct, which is not legally binding, will strengthen safety, security and predictability of activities in outer space, among other things, by limiting or minimizing harmful interference, collisions or accidents in outer space.

9. The draft code of conduct for outer space activities is based on the three main principles mentioned above (see para. 3) that should guide space activities.

10. The draft code of conduct is applicable to all outer space activities conducted by States or non-governmental entities, including the activities carried out within the framework of international intergovernmental organizations. It covers civil as well as military outer space activities.

11. The draft code of conduct calls for progress towards adherence to, and implementation of, the existing United Nations treaties, principles and other arrangements, as the subscribing parties would commit to complying with them, to making progress towards adherence to them, to implementing them, and to promoting their universality.

12. The draft code of conduct complements the existing framework by codifying new and innovative best practices in space operations, including notification, consultation, investigation and information mechanisms that would strengthen the confidence and transparency between space actors; it will then contribute to developing good faith solutions that will permit the performance of space activities and access to space for all. According to the draft code, the subscribing States will implement, inter alia, the following confidence-building measures:

(a) In order to minimize the possibility of accidents in space, collisions between space objects or any form of harmful interference with other States' right to the peaceful exploration and use of outer space, the subscribing States will establish and implement national policies and procedures and will take appropriate steps to minimize the mentioned risks;

(b) In order to limit the creation of space debris and reduce its impact in outer space, the subscribing States will implement the Space Debris Mitigation Guidelines of the Committee for the Peaceful Uses of Outer Space endorsed by General Assembly resolution 62/217;

(c) In order to prevent accidents and collisions between space objects, the subscribing States will share information on national space policies on an annual basis. They will commit to notifying, in a timely manner, the scheduled manoeuvres;

relevant orbital parameters; collisions or accidents; and objects with significant risk of re-entry into the atmosphere or of orbital collision. They will also create a central point of contact and an electronic database;

(d) Moreover, the subscribing States will create a consultation mechanism to achieve acceptable solutions in case of existing reasons to believe that certain space activities are contrary to the purpose of the draft code.

13. The code of conduct will lay down the basic rules to be observed by spacefaring nations in both civil and military space activities; however, it does not include any provisions concerning the placement of weapons in outer space. The purpose of the draft code is not to duplicate or compete with initiatives already dealing with this issue. Nonetheless, as a transparency and confidence-building instrument, the draft does insist, inter alia, on the importance of taking all measures in order to prevent space from becoming an area of conflict and calls on nations to resolve any conflict in outer space by peaceful means.

Participation in the code of conduct for outer space activities

14. The aim of the authors is to reach soon a text that is acceptable to the greatest number of countries and can thus bring effective security benefits in a relatively short term. For this purpose, the European Union launched consultations with the countries which have activities or interests in outer space.

15. At the end of the aforesaid process, the European Union hopes to complete the development of the code of conduct that will be open for accession by all States on a voluntary basis at an ad hoc conference.

Lebanon

[Original: Arabic]
[31 March 2009]

The Ministry of Defence notes that Lebanon does not engage in any activities in outer space and affirms the following:

- World peace must be preserved in space and the occurrence of any arms race or "star wars" prevented;
- International cooperation and mutual understanding must be strengthened in compliance with the Declaration on Principles of International Law;
- The Secretary-General of the United Nations must be notified by the States parties of any phenomenon they may discover in outer space that endangers human life or health;
- The necessary legislation and strict deterrent regulations must be established to prevent the exploitation and utilization of outer space and an arms race;
- There must be greater transparency, and acknowledgement of the importance of confidence-building measures as a means of ensuring the attainment of the objective of preventing armament in outer space and the establishment of bases or installations therein;

– Missile and nuclear activities in space should be monitored in order to avert the dangers arising from such activities, which are a threat to peace and security.

Mexico

[Original: Spanish]
[31 March 2009]

1. Mexico considers that protecting the infrastructure of space-based assets is a priority, and towards that end it is essential to avert a major accident in outer space. One way of preserving outer space for exclusively peaceful purposes is to strengthen international cooperation, in particular with respect to the safety and protection of space assets. In this regard and in accordance with Mexico's commitment to maintain the peaceful and universal character of outer space, our country is promoting greater transparency in the activities carried out in this area by the different States, in particular with reference to the Latin America and Caribbean region.

2. Mexico has participated actively in the five Space Conferences of the Americas and contributes to the implementation of the measures identified in their plans of action. At the present time it is considering the possibility of hosting the sixth Space Conference of the Americas, as it considers participation in such forums important because, among other reasons, the United Nations General Assembly has urged the Committee on the Peaceful Uses of Outer Space to continue studying ways and means of fostering regional and interregional cooperation.

3. In the legal sphere, Mexico's aim is for the universal application of the provisions contained in United Nations treaties relating to outer space to help promote international cooperation in the peaceful uses of outer space and foster greater transparency and confidence in space activities. Mexico considers that the implementation of voluntary guidelines on the reduction of space debris at the national level would lead to greater mutual understanding with respect to space activities and thereby would increase stability in space and reduce the likelihood of friction and conflicts. In Mexico's view, it is essential that States that have not yet ratified or acceded to these treaties should consider the possibility of doing so.

4. In short, Mexico supports access by all States to the benefits of the peaceful use of science and space technology through international cooperation, including training and education for personnel and participation in international projects entailing the transfer of technology.

Nicaragua

[Original: Spanish]
[11 March 2009]

1. Nicaragua recognizes the interest and right of all States with respect to the exploration and utilization of outer space for peaceful purposes. However, given the current state of international law and in the light of recent events, there is a need to strengthen the implementation of the existing instruments in order to prevent an arms race in outer space, which would have serious consequences for international

peace and security. In addition, as stated in the Final Document of the 2006 Summit Conference of the Non-Aligned Movement, held in Havana, there is an urgent need for the commencement of substantive work in the Conference on Disarmament on the prevention of an arms race in outer space.

2. There is a need to ensure that Member States that carry out significant peaceful scientific activities in outer space should share their experience with States that do not have space programmes through a specific mechanism for this purpose covering existing and future space programmes.

3. Outer space affairs are handled by the Nicaraguan Civil Aeronautics Institute (INAC), a body of the Ministry of Transport and Infrastructure of the Government of Nicaragua. Nicaragua's primary interest has been and continues to be to benefit from access to satellite technology for use in aviation communications, meteorology and geographical information systems such as the global positioning system (GPS). Nicaragua has access to these systems through institutions that cooperate with it, such as the Central American Corporation for Air Navigation Services (COCESNA), the International Civil Aviation Organization (ICAO) in the field of aviation, and the World Meteorological Organization (WMO) in the field of meteorology.

4. It is keen to participate actively in international forums to promote greater development and understanding of the peaceful uses of outer space. Its policy favours developing these means for scientific and peaceful purposes.

5. Nicaragua shares the concern of the international community over possible accidents or safety failures connected with the use of nuclear power sources in outer space that have been developed for and installed on spacecraft, precisely in those cases where the specific requirements of the mission and limitations with respect to electric power and thermal management rule out the use of non-nuclear power sources.

6. Nicaragua takes the view that close attention must be paid to these matters, owing to the presence of radioactive or combustible nuclear materials in nuclear power sources used in outer space and the possibility that they can cause harm to persons or the environment of the Earth's biosphere should an accident occur. We believe that safety must always be an intrinsic element in the design and use of this kind of technology. It is important to take into account that safety, that is to say the protection of persons and the environment, must be an integral part of research in this field.

Qatar

[Original: Arabic]
[14 April 2009]

The State of Qatar affirms the need for transparency in activities in outer space. Such activities should be restricted to peaceful uses for the benefit of mankind and the militarization of outer space or its use for military or missile-related activities should be avoided. We also support the development of a unified definition of outer space, the entry into force of a treaty on the prevention of an arms race in outer space, and guarantees of the right of States to conduct peaceful scientific research related to outer space.

Russian Federation

[Original: Russian]
[13 July 2009]

1. The Russian Federation considers that confidence-building measures help to ensure peace, security and stability at all levels, to eliminate possible threats and overcome challenges to peace and security, and to prevent military confrontation, while facilitating the management of situations that could lead to international tension. They make a significant contribution to improving inter-State relations and the development of dialogue and cooperation between countries.

2. Transparency and confidence-building measures in outer space activities, in view of the growing dependence of all countries in the world on the outcome of such activities, are an important component of confidence-building measures, which also include measures on land, at sea and in the air, and are intended to achieve similar aims. They are recognized as helping to prevent the emergence of outer space as a new sphere of confrontation, to avoid a new nuclear arms race and to establish conditions for the predictability of the strategic situation in outer space, the security of space activities and the protection of space assets. These measures may become a significant field for broad multilateral cooperation.

3. A number of transparency and confidence-building measures in outer space activities are already included in international agreements on outer space: the 1967 Outer Space Treaty, the 1968 Astronauts Rescue Agreement, the 1972 Liability Convention and the 1975 Registration Convention. Some of these measures are applied by States as a unilateral initiative and are political obligations.

4. Transparency and confidence-building measures are not, however, all-embracing in terms either of their coverage of the various types of outer space activity or of the participation of States in their implementation. Joint work is needed on additional measures in this area that are appropriate to the current stage of development of humanity.

5. In this work it would be useful to consider the results of the study on the application of confidence-building measures in outer space that was conducted by a group of governmental experts over the period 1990-1993 (it is included in the report by the Secretary-General contained in document A/48/305) and also other related proposals introduced by States, including some proposals in connection with General Assembly resolution 61/75.

6. In order to conduct a more in-depth study of issues relating to transparency and confidence-building measures and prepare recommendations for further work in this area, it would be useful to establish a group of governmental experts with the appropriate mandate.

7. The Russian Federation draws the attention of the international community to a number of unfortunate incidents that have occurred in the course of outer space activities: the collision between Russian Federation and United States space satellites on 10 February 2009, and the dangerous proximity of a number of space objects and pieces of space debris to the International Space Station. These incidents illustrate the importance of addressing the issue of foreseeing and providing early warnings of dangerous incidents in outer space.

The Russian Federation is making the following addition to its previous suggestions for possible transparency and confidence-building measures: the exchange of information on foreseeable dangerous situations in outer space. The aim of such a measure would be to prevent or minimize the consequences of dangerous incidents in outer space. Its implementation would consist of providing information to interested countries and international space organizations on the situation in outer space, on possible dangerous incidents that are forecast for a specific time period, such as the proximity and collision of space objects, or the uncontrolled movement out of orbit or planned manoeuvres of space objects. Such information would be provided through an appropriate exchange mechanism, in an agreed volume and format, and would be corrected as a matter of urgency when necessary.

8. Additional proposals of the Russian Federation in relation to possible transparency and confidence-building measures which are both relevant and forward-looking are set out below. This list is not exhaustive in nature but could, in our opinion, serve as a basis for further discussion.

9. Possible transparency and confidence-building measures fall into several categories:

– Measures aimed at enhancing the transparency of outer space programmes;

– Measures aimed at expanding the information available on outer space objects in orbit;

– Measures related to the rules of conduct for outer space activities.

10. Such measures may be carried out in various ways, including exchange of information, familiarization visits, notifications, consultations and thematic workshops:

(a) Exchange of information on:

(i) The main directions of States' outer space policy;

(ii) Major outer space research and use programmes;

(iii) Orbital parameters of outer space objects;

(iv) Foreseeable dangerous situations in outer space;

(b) Familiarization visits:

(i) Expert visits, including visits to space launch sites, flight command and control centres and other outer space infrastructure facilities;

(ii) Invitation of observers to launches of spacecraft;

(iii) Demonstrations of rocket and space technologies;

(c) Notification of:

(i) Planned spacecraft launches;

(ii) Scheduled spacecraft manoeuvres that could result in dangerous proximity to spacecraft of other States;

(iii) The beginning of descent from orbit of unguided space objects and the predicted impact areas on Earth;

(iv) The return from orbit into the atmosphere of a guided spacecraft;

(v) The return of spacecraft with a nuclear power source on board, in the case of malfunction and danger of radioactive materials descending to Earth;

(d) Consultations:

(i) To clarify the information provided on outer space research and use programmes;

(ii) On ambiguous situations, as well as on other issues of concern;

(iii) To discuss the implementation of agreed transparency and confidence-building measures in outer space activities;

(e) Thematic workshops on various outer space research and use issues, organized on a bilateral or multilateral basis, with the participation of scientists, diplomats, military and technical experts.

Syrian Arab Republic

[Original: Arabic]
[9 March 2009]

1. The Syrian Arab Republic considers that outer space is the heritage of all mankind and must be used for peaceful purposes and for the benefit of all States.

2. The Syrian Arab Republic emphasizes that the increased importance of outer space, particularly in the field of communications and data exchange at the cosmic level, requires cooperation between all States in order to ensure the continued peaceful and fully transparent utilization of space. The Syrian Arab Republic also emphasizes the necessity of taking measures to ensure confidence-building and the exchange of data between all States, particularly those States that engage in space activities.

3. The Syrian Arab Republic considers that those States that have capabilities in outer space bear a responsibility to ensure its peaceful and non-military utilization, to refrain from engaging in an arms race in outer space and to keep it free of all kinds of weapons of mass destruction.

4. The Syrian Arab Republic expresses its support for the establishment of a subsidiary body of the Conference on Disarmament — as the only multilateral negotiating forum in the field of disarmament — to hold negotiations on a convention to prevent an arms race in outer space as part of a comprehensive and balanced programme of work dealing, on an equal footing, with the substantive issues on its agenda.

5. In this connection, the Syrian Arab Republic expresses its support for the joint Russian-Chinese initiative on a draft treaty prohibiting an arms race, the stockpiling of weapons in outer space and the threat of force against targets in outer space that was submitted to the Conference on Disarmament on 12 February 2008.

Ukraine

[Original: Russian]
[10 April 2009]

1. Ukraine, as a space power, is interested in keeping outer space free from weapons and military activities. Outer space is the heritage of all humanity and should therefore be used for peaceful purposes. Our Government has consistently advocated the prevention of the militarization of outer space and opposed the placement of any weapons of mass destruction in outer space.

2. The root of the problem with regard to military security in outer space is the fact that international space law prohibits only the placement in orbit of weapons of mass destruction and nuclear weapon tests in the atmosphere. It does not prohibit the use of outer space for military purposes or the use in outer space of weapons other than weapons of mass destruction. However, the placement of weapons in outer space will have negative consequences for arms control and will essentially lead to armed conflict in outer space itself. In the opinion of Ukraine, the time has come for a complete prohibition on the placement and use of any kind of weapon in outer space, which is the common heritage of mankind. We agree that the most effective way to resolve this issue is to draft a new treaty that would fill the existing gaps in international space law.

3. Ukraine supports the initiative of the Russian Federation and China for the conclusion of a treaty on prevention of the placement of weapons in outer space and the threat or use of force against outer space objects.

4. Ukraine, as a country with significant capacities for conducting outer space programmes, has consistently and rigorously adhered to the international legal principles regulating outer space activities.

5. Ukraine supports the view that transparency and confidence-building measures in outer space activities help to create an environment conducive to resolving international problems, and improving and developing international relations on the basis of cooperation, while facilitating the management of situations that could lead to international tension. Transparency and confidence-building measures as such reduce the risk of a mistaken perception or assessment of another State's military activity, while contributing to the prevention of military confrontation and the application on that basis of the principle of the non-use of force or of the threat of force, and the strengthening of regional and global stability.

6. Ukraine is convinced that broad international cooperation on the exploration of outer space builds mutual confidence between States and contributes to the development of their cooperation in all areas of international life. Ukraine also holds the view that one of the ways to achieve the goal of identifying concrete measures for transparency and confidence-building in outer space is international cooperation based on the exchange of information and data. The Government of Ukraine implements the following transparency and confidence-building measures in relation to outer space activities:

- Reports to the Secretary-General each year on the nature, progress and results of its outer space activities

- Systematically provides data on space objects that have been launched and space objects that are no longer in orbit
- Provides information to the international community on a regular basis through the official website of the National Space Agency of Ukraine on the number, generic class and payload of Ukrainian space launch vehicles launched
- Provides the Executive Secretariat of the International Code of Conduct against Ballistic Missile Proliferation with prior notifications on a regular basis of launches of Ukrainian launch vehicles in the context of the Sea Launch programme and annual statements on Ukraine's policies regarding the launching of outer space launch vehicles and ballistic missiles

7. Ukraine believes that States should strictly comply with the provisions of international treaties to which they are parties, namely:

- The basic United Nations treaties on outer space (particularly taking account of the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967, and article IV of the Convention on Registration of Objects Launched into Outer Space of 14 January 1975)
- The Comprehensive Nuclear-Test-Ban Treaty of 24 September 1996
- The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water of 5 August 1963.

8. Ukraine supports the initiative for a European code of conduct for outer space activities.

9. In addition, Ukraine proposes that the information from the annual declarations providing an outline of the policies of the States subscribing to the Hague Code of Conduct with respect to launch programmes for ballistic missiles and space launch vehicles be used to draw up an annual consolidated report by the Secretary-General.

10. Ukraine supports the view that the work on transparency and confidence-building measures in outer space activities (as in the context of the Conference on Disarmament and the First Committee of the General Assembly) may be an important consolidating factor in relation to outer space, and also lead to specific results:

- A careful and responsible approach to the exploration and use of outer space
- The achievement of strategic stability and international security
- The strengthening of a climate of confidence and cooperation in outer space activities.

IV. Replies received from Governments in response to resolution 62/43

Bangladesh

[Original: English]
[25 August 2008]

An arms race in outer space would endanger international peace and security. Bangladesh does not support outer space weaponization and emphasizes that prevention of an arms race in outer space, including a ban on the deployment or use of weapons therein is instrumental in avoiding threats to peace and security. There is a common interest of mankind in the exploration and use of outer space for peaceful purposes. As such, cooperative measures among Member States in outer space activities should be ensured. Member States having significant outer space activities should extend security assurances to those who do not have outer space programmes. A mechanism should be put in place allowing Member States to derive benefits from the peaceful use of outer space activities through existing and future outer space programmes.

Chile

[Original: Spanish]
[14 May 2008]

Pursuant to General Assembly resolution 62/43 entitled "Transparency and confidence-building measures in outer space activities" adopted on 5 December 2007, the Government of Chile proposes the following actions and measures to increase transparency and confidence:

(a) States should conclude a single, comprehensive and updated treaty that encompasses all space legislation. The existing Outer Space Treaty dates back to 1967 and thus needs to be revised to update the legal components and reflect technological advances;

(b) Specific regulations pertaining to space debris should be elaborated; these should reflect the obligations of States with respect to such debris and should cover possible damage to persons, property and other activities as well as the safety of spacecraft during scheduled re-entry. In that connection, States should be encouraged to ensure prompt, effective implementation of the legal mechanisms governing the exploitation and utilization of outer space for peaceful purposes. Outer space activities continue to increase and the growing number of outer space objects in orbit presents new challenges;

(c) It is also important to continue improving the international legal regime regulating outer space. Although the voluntary guidelines for the mitigation of space debris called for in General Assembly resolution 62/217 (para. 27) are welcome, States need to establish an international legal order that is more complete, effective and preventive; set effective guidelines that can be applied in emergencies; ensure access to timely, accurate information concerning re-entry of debris; and facilitate due coordination among the most affected countries;

(d) A clear distinction should be made between military use, militarization and the arms race in outer space. Military use is governed by customary practice; this includes, for example, monitoring the compliance of disarmament treaties. Militarization and the arms race in outer space, on the other hand, are prohibited by legal principles;

(e) The principles relating to remote sensing of the Earth by satellites, which were approved by the General Assembly in its resolution 41/64 (1986), should be updated. The existing principles have been superseded over time; they also place restrictions on the access of developing countries to space-based information, which could impede natural disaster management. States should firmly support the United Nations Platform for Space-based Information for Disaster Management and Emergency Response (UN-SPIDER), which has been endorsed by the Committee on the Peaceful Uses of Outer Space (COPUOS);

(f) The initiative Prevention of an Arms Race in Outer Space (PAROS) should be renewed without delay, within the framework of the Conference on Disarmament in Geneva;

(g) States should seek an advisory opinion from the International Court of Justice concerning the application and scope of the principle of the non-use of force in outer space;

(h) States are urged to implement General Assembly resolution 62/20 (2007) on the prevention of an arms race in outer space, which reiterates the need to consolidate and reinforce the legal regime applicable to outer space, since the current regime does not in and of itself guarantee the prevention of an arms race in outer space. The existing regime does not ban anti-satellite arms, which makes it difficult to establish a more comprehensive confidence-building mechanism. The development of weapons in outer space needs to be reviewed;

(i) At the regional level, the International Group of Experts and the respective pro tempore secretariats of the Space Conferences of the Americas should issue statements promoting increased transparency and confidence-building.

Cuba

[Original: Spanish]
[15 June 2008]

1. Beginning in the 1960s, the international community adopted a series of legal instruments on outer space including the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (1963), the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967) and the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (1979). These instruments have played a constructive part in the promotion of the peaceful uses of outer space and the regulation of outer space activities. They have also been of significance in relation to the ban on the deployment of weapons of mass destruction and certain military activities in outer space.

2. The majority of countries recognize that the arms race represents a grave threat to international peace and security; the prevention of an arms race in outer space has

therefore long been a universal goal. Unfortunately, current developments prove that the existing treaties and agreements have failed to eliminate the dangers of the militarization of outer space and that they are insufficient to prevent the deployment of weapons in the cosmos.

3. The existing multilateral machinery dealing with disarmament and arms control has the important responsibility of prevailing on the will of the international community in this regard. Cuba supports the efforts under way in the General Assembly and the Conference on Disarmament, especially the negotiation in the Conference of an international legal instrument on banning the deployment of weapons in outer space, and to this end it supports the establishment of a special or ad hoc committee to initiate negotiations.

4. Cuba shares the view both of countries that consider that the need to negotiate a new legal instrument arises because the existing treaties do not effectively prevent the testing, deployment and use of weapons, with the exception of weapons of mass destruction in outer space, especially in orbit around the Earth, on celestial bodies other than the Moon and in outer space, and of countries that maintain that none of these legal instruments is relevant to the question of the use or threat of force against objects in outer space.

5. At the 2008 Conference on Disarmament, the Governments of the Russian Federation and the People's Republic of China officially presented a draft proposal for a treaty on banning outer space weapons. The draft proposal, which is gaining support from a number of countries, bans not only the development of outer space weapons but also the use of force against satellites and other space objects. In Cuba's view, the proposed treaty is a concrete measure that will help to maintain international peace and security in activities relating to outer space — activities which cannot be conducted without the support of the international community.

6. Regrettably, a significant number of the objects currently launched in outer space are not designed to solve any of the important challenges confronting mankind, let alone contribute to development. On the contrary, they were launched for military or espionage purposes and will ultimately increase the amount of space debris, the mitigation of which has become a major challenge.

7. In 2008, there was another incident where an uncontrollable space object had to be destroyed as it re-entered the Earth's atmosphere. The object, which was owned and destroyed by the Government of the United States, carried 453 kilograms of hydrazine.[1] Cuba shares the concern of other States that the incident was a pretext to test anti-satellite systems or other weapons against space objects.

8. The international community is also concerned about the use of nuclear energy sources in outer space. Although only a few highly developed countries are currently exploring this field, it will eventually have an impact on all countries. Cuba considers that the use of nuclear energy sources should be restricted to the extent possible, until there is a clearly defined security framework and more concrete agreements have been initiated. Even in cases of limited use, the State in question should provide other States with comprehensive, transparent information on its activities, including the measures taken to ensure safe use.

[1] Hydrazine, which is often used to fuel spacecraft, is highly toxic and harmful to both humans and the environment.

9. Cuba remains convinced that, at present, there is no reason to consider using nuclear energy sources in Earth orbit, where the risks are considerably higher. Other efficient and much safer energy sources are available.

10. At the Fourteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, political leaders expressed their concern about the adverse consequences of the development and deployment of antiballistic-missile defence systems and the quest for advanced military technology capable of deployment in outer space, which had the potential to unleash an arms race and the subsequent development of advanced missile systems together with an increase in the number of nuclear weapons.

11. Cuba considers that General Assembly resolution 62/43 contributes significantly to the aforementioned efforts to prevent an arms race in outer space.

12. Although transparency and confidence-building are not a substitute for arms control and disarmament measures or a prerequisite for the application of such measures, they nevertheless can facilitate the achievement of disarmament commitments and measures for their verification. Confidence-building requires goodwill on the part of States, which must themselves decide if they will embark on confidence-building, what concrete measures they will adopt and how they will put them into practice.

13. The formulation of recommendations on possible confidence-building measures would in itself be conducive to a better understanding of States' intentions and the current and future situation in outer space. In this sense, the joint work on the preparation of transparency and confidence-building measures would itself promote mutual trust.

14. Transparency and confidence-building measures in outer space activities could include:

- The convening of an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space;
- Review of the current legal regime regulating outer space activities in the light of technological advances, which has been continually blocked by certain States on the Legal Subcommittee of the United Nations Committee on the Peaceful Uses of Outer Space;
- The adoption of multilateral agreements for the exchange of information on the use of outer space;
- The development of international cooperation mechanisms which guarantee to all countries equal access to the benefits of the utilization of outer space for peaceful purposes;
- Exchange of information on the major trends of the space policies of States, the principal programmes dealing with outer space research and utilization and the orbital parameters of space objects;
- Extending invitations to observers to attend the launching of space objects on a voluntary basis;
- Demonstration of space and rocket technologies;

- Issuing notifications about scheduled launchings of spacecraft, scheduled space manoeuvres that can result in dangerous proximity to spacecraft of other States, and the re-entry of guided spacecraft from orbit into the atmosphere;
- Consultations to clarify the information provided on outer space research and utilization programmes, on ambiguous situations and on other matters which are cause for concern; and to discuss the application of transparency and confidence-building measures agreed on in space activities.

15. Transparency and confidence-building measures can play an important part in the drafting, adoption and implementation of a new treaty banning the deployment of weapons in outer space and the use or threat of use of force against spatial objects. They would also help to create conditions conducive to the conclusion of a new agreement. The preparation of recommendations on possible transparency and confidence-building measures in outer space constitutes a relatively simple first step towards strengthening security.

France (on behalf of the European Union)

[Original: French]
[15 September 2008]

Proposals by the European Union on international transparency and confidence-building measures in outer space activities in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space

Introductory note

1. Activities in outer space are assuming increasing importance in the economic and industrial development of nations, as well as in their security. The European Union is committed to ensuring that peaceful activities for the benefit of all may be undertaken in the space environment.

2. The European Union fully shares the goals set forth in General Assembly resolution 62/43, and is of the view that creating a climate of peace and security is essential for pursuing the exploration and peaceful use of outer space as well as for international cooperation and the prevention of an arms race in outer space. As it has previously made clear, the European Union considers that pragmatic and concrete transparency and confidence-building measures in outer space activities acceptable to the greatest number of countries will yield substantial dividends for the security of such activities and will contribute to the achievement of the above-mentioned goals.

3. The European Union attaches great importance to the relevant existing treaties on outer space activities and sees them as a foundation upon which to build. The 1967 Outer Space Treaty, the 1968 Agreement on the Rescue of Astronauts, the 1972 Convention on International Liability for Damage Caused by Space Objects, the 1975 Convention on Registration of Objects Launched into Outer Space, the Hague Code of Conduct, and the Comprehensive Nuclear-Test-Ban Treaty, together with the Principles Relevant to the Use of Nuclear Power Sources in Outer Space, already provide a range of transparency and confidence-building measures in outer space activities.

4. The European Union voted in favour of General Assembly resolution 62/43, as it had for resolution 61/75, to which it provided a reply on 18 September 2007 (see document A/62/114/Add.1). The broad support garnered by resolution 62/43 confirmed the importance of establishing a regime encompassing transparency and confidence-building measures based, inter alia, on the following principles:

- Freedom for all to use outer space for peaceful purposes;
- Preservation of the security and integrity of space objects in orbit; and
- Due consideration for the legitimate security and defence interests of States.

5. The European Union recognizes the work initiated by the Chairman of the Committee on the Peaceful Uses of Outer Space, Gerard Brachet, aimed at guaranteeing the long-term viability of outer space activities. The European Union supports this initiative. Member States participating in outer space activities attended the meeting of an informal working group organized by France on 7 and 8 February 2008. The continued involvement of numerous countries as well as commercial operators and relevant international organizations reflects the interest in and importance that States and others involved in space activities attach to the search for concrete measures to strengthen the security of outer space activities. The positive outcome of that meeting also showed that international cooperation based on the exchange of information and data is one of the best ways of attaining that goal. The European Union member States concerned are ready to take part in the work of this informal group in order to contribute to the adoption of specific legal provisions and best transparency and confidence-building practices. This initiative is fully consistent with and complementary to the European Union plan for a code of conduct on space activities as envisaged in the joint European Union reply to resolution 61/75.

Towards a code of conduct on space activities

6. Following the joint reply to resolution 61/75, in which the European Union expressed its desire to propose a code of conduct on space objects and space activities that would be consistent with the provisions of that resolution, the 27 member States of the European Union developed, at the expert level, a draft code of conduct on space activities.

7. The draft code seeks to establish the fundamental rules for States conducting space activities and is aimed at reducing the risk of collision and creation of space debris, as well as at strengthening mutual understanding among nations and others involved in space activities. It elaborates on the main principles and general goals expressed by the European Union in its joint reply, including:

- Progress towards adherence to and implementation of relevant regimes governing activities in space;
- Development of a best practices guide for strengthening the security of operations in space;
- Measures to strengthen understanding and confidence-building among nations and others involved in space activities and to organize communications among those involved in space activities with a view to preventing accidents and collisions between space objects; and
- Emphasis on the voluntary nature of such a code.

8. In order for such a code of conduct to have substantive scope, strengthen the security of space activities and create a climate of confidence that could help prevent an arms race in outer space, it must be acceptable to and observed by the greatest number of countries. The European Union therefore wishes to propose this draft code as its own contribution to the elaboration of a code of conduct on space activities that allows safe access to space for all, and is willing to engage in consultations with spacefaring nations with a view to producing a text that is acceptable to the greatest number of countries and to presenting it at the relevant international forums on space activities.

9. At the end of this process, which the European Union proposes to initiate shortly, we hope to complete the elaboration of a code of conduct that is open for accession by all States on a voluntary basis.

Qatar

[Original: English]
[17 June 2008]

The State of Qatar supports the prevention of the armament of outer space and the prevention of an arms race in outer space. In this regard, the State of Qatar is of the view that it is beneficial to convene a meeting at the expert level to establish a credible and reliable verification mechanism. At the same time, countries that use outer space must submit, subject to verification, reports with details regarding what they control in outer space, given the existence of a convention, which entered into force in 1967, to make outer space, including orbits around the Earth, the Moon and other celestial bodies, free of weapons of mass destruction. The Convention banned tests of weapons of any kind, military manoeuvres and the construction of military bases and facilities in outer space.

Ukraine

[Original: Russian]
[3 June 2008]

1. Ukraine believes that States should strictly comply with the provisions of international agreements to which they are parties, namely:

- The basic United Nations treaties on outer space (particularly taking account of the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies, of 27 January 1967; and article IV of the Convention on Registration of Objects Launched into Outer Space, of 14 January 1975);
- The Comprehensive Nuclear-Test-Ban Treaty, of 24 September 1996;
- The Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.

2. Ukraine welcomes and supports the work of the multilateral non-proliferation regimes (the Missile Technology Control Regime, Nuclear Suppliers Group, the Zangger Committee, the Australia Group, and the Wassenaar Arrangement) and

considers that the member States of these regimes must adhere to the provisions of their governing instruments in order to ensure transparency and increase confidence.

3. Ukraine proposes that the information from the annual declarations providing an outline of the policies of the States subscribing to the Hague Code of Conduct with respect to ballistic missile programmes and space launch vehicle programmes be used in order to draw up an annual generalized report to the Secretary-General.

V. Replies received from Governments in response to resolution 61/75

Austria

[Original: English]
[6 July 2007]

1. Austria believes that increased transparency and confidence are key prerequisites for the promotion of international cooperation and the prevention of an arms race in outer space.

2. Austria fully subscribes to the European Union's statement on the prevention of an arms race in outer space, which was delivered in the Conference on Disarmament on 13 February 2007. That statement suggested, among other elements, the establishment of "rules of behaviour" or "rules of the road" as possible confidence-building measures. Other elements might include the avoidance of collisions or interference and minimum distances between satellites placed in the same orbit. Avoidance of collisions and of dangerous manoeuvres as well as debris mitigation are other issues that might warrant further evaluation and discussion.

3. Additional measures could indicate pre-notification processes and pre-launch notifications.

4. In that regard, Austria attaches special importance to the Hague Code of Conduct against Ballistic Missile Proliferation and views its strengthening and universalization as an important step.

Bangladesh

[Original: English]
[30 June 2007]

1. Outer space is the common heritage of humankind, and transparency and confidence-building measures in this field can play a positive role in the peaceful uses of outer space and in regulating outer space activities. The scientific and technological capabilities of a number of countries have reached a level that enables them to implement military programmes in outer space. However, today's space activities confirm the importance of adapting a careful and responsible approach to space exploration. Failing to do so would not only intensify military rivalries but could also have unpredictable consequences for the world and for humanity. Bangladesh believes, therefore, that the following measures could help to promote transparency and build confidence among Member States in the area of outer space activities:

(a) The United Nations should establish a coordination committee on outer space activities. Such a committee could also have subcommittees at the regional or international levels. The committee should:

(i) Monitor the implementation of agreements in the field of outer space activities;

(ii) Determine which types of outer space activities are permissible and justified in the context of ensuring global security;

(iii) Ensure that the use of outer space is in conformity with international law and in the interests of maintaining global peace and security;

(iv) Monitor the outer space activities of Member States and ensure the safe disposal of expired objects;

(v) Provide for verification measures in connection with outer space activities;

(vi) Require Member States launching any outer space activities/programmes to notify it;

(vii) Report to the General Assembly in case of any violation of international law or agreements on outer space activities;

(b) Member States not involved in outer space activities should have security assurances and may be allowed to derive benefits from peaceful outer space activities and existing peaceful outer space programmes;

(c) The General Assembly should publish two reports every three months: one containing a record of the space programmes undertaken by various Member States during the previous three-month period and the other describing the space programmes or activities projected to take place in the next three months.

2. The Member States concerned should exercise greater caution and maintain greater transparency in the process of carrying out tests or experiments in outer space.

3. An arms race in outer space would pose a serious threat to international peace and security. The United Nations should therefore play a more effective role in curbing the arms race in outer space. Bangladesh is neither involved in the arms race nor has it any intention of weaponizing outer space. As such, Bangladesh fully supports the implementation of resolution 61/75.

Bolivia (Plurinational State of)

[Original: Spanish]
[26 June 2007]

Analysis

1. At previous sessions, items on mass destruction, especially nuclear disarmament and non-proliferation, were to a large extent the most important items relating to this type of convention.

2. Of the 54 draft resolutions and draft decisions adopted, 17 dealt with nuclear issues. The statements made by delegations focused on issues connected with nuclear non-proliferation and small arms.

3. The withdrawal of draft resolution A/C.1/61/L.23 demonstrates the confusion surrounding a treaty banning the production of fissile material.

4. Where other weapons of mass destruction are concerned, the measures for the implementation of the Convention on chemical weapons are widely supported.

5. Regional conventional disarmament has reached a new stage which requires the adoption of urgent and decisive measures, especially with regard to the problem of small arms and light weapons.

6. As a Member State, Bolivia has participated in various United Nations events and meetings where new measures in the search for agreements to prevent an arms race in outer space were discussed.

7. As regards outer space transparency and confidence-building measures, Bolivia, even though it has no weapons legislation, continues its support and affirmative voting in the various United Nations debates, thereby demonstrating its goodwill towards the maintenance of international peace and security.

Conclusions

8. As a State Member of the United Nations, Bolivia needs to have weapons legislation in support of disarmament activities and the maintenance of peace and in compliance with international agreements.

9. The National Technical Department is unable to comment further owing to a lack of background documents and information with which to back up its opinion.

China

[Original: Chinese]
[25 April 2007]

1. China supports resolution 61/75, entitled "Transparency and confidence-building measures in outer space activities", adopted by the General Assembly at its sixty-first session.

2. China has consistently opposed the weaponization of and an arms race in outer space. We are of the view that the existing legal framework related to outer space is not effective enough to prevent the weaponization of and an arms race in outer space. The best way to prevent the weaponization of and an arms race in outer space is to conclude a new international legal instrument through negotiation. In recent years, China, together with the Russian Federation and many other countries, has been actively promoting in the Conference on Disarmament the negotiation and the conclusion of an international legal instrument on preventing the weaponization of and an arms race in outer space, and has made detailed proposals in this regard. These efforts have enjoyed a favourable response from many countries.

3. China is of the view that the appropriate transparency and confidence-building measures in outer space are conducive to reducing possible misunderstandings among countries with regard to their respective activities in outer space, preventing

tension, improving mutual trust, and facilitating international cooperation on peaceful uses of outer space.

4. Although transparency and confidence-building measures, as intermediate measures, can be complementary to a negotiated international legal instrument on preventing the weaponization of and an arms race in outer space, they cannot replace the latter. The commitments by all countries not to place weapons in outer space and not to use or threaten to use force against outer space objects of other countries are the most crucial and practical transparency and confidence-building measures in outer space. Detailed ideas and further proposals in this regard are contained in the joint working paper submitted to the Conference on Disarmament by China and the Russian Federation as contained in document CD/1778.

5. China will continue, together with other members of the Conference on Disarmament, to actively promote prevention of the weaponization of and an arms race in outer space, and to commit itself to maintaining peace and security in outer space.

Cuba

[Original: Spanish]
[16 May 2007]

1. The General Assembly of the United Nations, through its resolution 61/75, entitled "Transparency and confidence-building measures in outer space activities", invited all States Members of the United Nations to submit to the Secretary-General concrete proposals on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space.

2. In response to this invitation, the Government of Cuba is pleased to transmit the following considerations.

3. Beginning in the 1960s, the international community adopted a series of legal instruments on outer space including the Partial Test Ban Treaty (1963), the Treaty on Peaceful Uses of Outer Space (1967) and the Agreement on Celestial Bodies (1979). These instruments have played a constructive part in the promotion of the peaceful uses of outer space and the regulation of outer space activities. They have also been of significance in relation to the ban on the deployment of weapons of mass destruction and certain military activities in outer space.

4. The prevention of an arms race in outer space is a universal goal; the majority of countries recognize that the arms race represents a grave threat to international peace and security. Yet, current developments provide lamentable proof that the existing treaties and agreements have failed to eliminate the dangers of the militarization of outer space because the situation clearly indicates that they are insufficient to prevent the deployment of weapons in the cosmos.

5. The existing multilateral machinery dealing with disarmament and arms control has the important responsibility of prevailing on the will of the international community in this regard. Cuba supports the efforts under way in the General Assembly and the Conference on Disarmament, especially the negotiation in the

Conference of an international legal instrument on banning the deployment of weapons in outer space, and to this end it supports the establishment of a special or ad hoc committee to initiate negotiations.

6. Cuba shares the view both of countries that consider that the need to negotiate a new legal instrument arises because the existing treaties do not effectively prevent the testing, deployment and use of weapons, with the exception of weapons of mass destruction in outer space, especially in orbit around the Earth, on celestial bodies other than the Moon and in outer space, and of countries that maintain that none of these legal instruments is relevant to the question of the use or threat of force against objects in outer space.

7. In September 2006, Cuba had the honour of presiding over the Fourteenth Summit Conference of Heads of State or Government of Non-Aligned Countries, held in Havana, at which political leaders expressed their concern about the adverse consequences of the development and deployment of antiballistic-missile defence systems and the quest for advanced military technology capable of deployment in outer space, which had the potential to unleash an arms race and the subsequent development of advanced missile systems together with an increase in the number of nuclear weapons.

8. General Assembly resolution 61/75 is a very important input in those efforts to prevent an arms race in outer space; accordingly, Cuba wishes to contribute the following ideas.

9. Although transparency and confidence-building are not a substitute for arms control and disarmament measures or a prerequisite for the application of such measures, they nevertheless can facilitate the achievement of disarmament commitments and measures for their verification. Confidence-building requires goodwill on the part of States, which must themselves decide if they will embark on confidence-building, what concrete measures they will adopt and how they will put them into practice.

10. The joint formulation of recommendations on possible confidence-building measures would in itself be conducive to a better understanding of States' intentions and the current and future situation in outer space. In this sense, the joint work on the preparation of transparency and confidence-building measures would of itself promote mutual trust.

11. Transparency and confidence-building measures in outer space activities could include:

- The convening of an international conference to analyse strict compliance with existing agreements on the peaceful uses of outer space;
- Review of the current legal regime regulating outer space activities in the light of technological advances;
- The adoption of multilateral agreements for the exchange of information on the use of outer space;
- The development of international cooperation mechanisms which guarantee to all countries equal access to the benefits of the utilization of outer space for peaceful purposes;

- Exchange of information on the major trends of the space policies of States, the principal programmes dealing with outer space research and utilization and the orbital parameters of space objects;
- Extending invitations to observers to attend the launching of space objects on a voluntary basis;
- Demonstration of space and rocket technologies;
- Issuing notifications about scheduled launchings of spacecraft, scheduled space manoeuvres that can result in dangerous proximity to spacecraft of other States, and the re-entry of guided spacecraft from orbit into the atmosphere;
- Consultations to clarify the information provided on outer space research and utilization programmes, on ambiguous situations and on other matters which are cause for concern; and to discuss the application of transparency and confidence-building measures agreed on in space activities.

12. Transparency and confidence-building measures can play an important part in the drafting, adoption and implementation of a new treaty banning the deployment of weapons in outer space and the use or threat of use of force against spatial objects. They would also help to create conditions conducive to the conclusion of a new agreement. The preparation of recommendations on possible transparency and confidence-building measures in outer space constitutes a relatively simple first step towards strengthening security.

Kenya

[Original: English]
[12 September 2007]

Committee on the Peaceful Uses of Outer Space

1. Kenya is an active member of the United Nations and is also a member of the Committee on the Peaceful Uses of Outer Space. The Committee is the primary forum for the development of laws and principles, codified in treaties and resolutions, governing outer space.

2. Kenya has also been a member of the International Atomic Energy Agency (IAEA) since 1965. The Agency serves as the world's foremost international governmental forum for scientific and technical cooperation in the peaceful use of nuclear science and technology.

Status of ratification of international agreements relating to activities in outer space

3. Among the five major conventions, Kenya has so far ratified and acceded to the following international United Nations agreements relating to activities in outer space:

(a) Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and other Celestial Bodies (Outer Space Treaty) (ratified 1967);

(b) Convention on International Liability for Damage Caused by Space Objects (ratified 1972);

(c) Agreement Governing the Activities of States on the Moon and Other Celestial Bodies (accession 1984).

4. Other agreements that Kenya has ratified, acceded to and signed include the following:

(a) Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water (accession 1965);

(b) Agreement Relating to the International Telecommunications Satellite Organization (accession 1971 and definite signature 1977);

(c) Convention on the International Mobile Satellite Organization (accession 1976);

(d) Constitution and Convention of the International Telecommunication Union (accession 1992, ratified 1978 and 1985);

(e) Treaty on the Non-Proliferation of Nuclear Weapons (accession 1970).

5. Efforts are being made to ensure that Kenya ratifies all treaties and agreements relating to activities in outer space and incorporates their provisions into its domestic legislation.

Confidence-building measures

6. As a non-nuclear-weapon State, Kenya is committed to resolution 61/75. It seeks assurances against the use or threat of use of nuclear weapons and calls upon Member States to strengthen international peace and security.

Prevention of an arms race in outer space

7. Confidence-building measures are an important means of attaining the objective of the prevention of an arms race in outer space. Kenya, therefore, calls upon Member States to contribute actively to the achievement of the objective of the peaceful use of outer space and to refrain from actions contrary to that objective.

International outer space transparency

8. Kenya reaffirms the importance and urgency of preventing an arms race in outer space and the readiness of all Member States to contribute to that common objective, in conformity with the 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies. Kenya assures Member States that its launching site will give preliminary notifications of Space Launch Vehicles launches and of their test flights.

Conclusions

9. The implementation of international outer space transparency and confidence-building measures would help to maintain international peace and security, promote international cooperation and prevent an arms race in outer space.

10. Those measures could also become a unifying factor for all Member States with respect to outer space and generate practical outputs that would promote a

prudent and responsible approach to the exploration, exploitation and use of outer space for the benefit of humankind.

Libyan Arab Jamahiriya

[Original: Arabic]
[11 May 2007]

Concrete proposals of the Great Jamahiriya concerning General Assembly resolution 61/75, entitled "Transparency and confidence-building measures in outer space activities"

1. The Libyan Arab Jamahiriya accords extreme importance to the efforts of the international community to prevent the weaponization of outer space and enhance international cooperation aimed at its use for peaceful purposes.

2. For that reason, the Libyan Arab Jamahiriya made every effort to join the Committee on the Peaceful Uses of Outer Space in order to be able to participate, in a manner commensurate with its situation as a developing country, in international efforts, notwithstanding differences in technical and economic capabilities, in support of the goals and objectives stipulated in United Nations treaties and the related principles concerning outer space.

3. The Libyan Arab Jamahiriya commends all the resolutions adopted by the United Nations General Assembly that stress the need for increased transparency and the importance of confidence-building measures conducive to ensuring the attainment of the objective of the prevention of an arms race in outer space and notes the constructive nature of the debate being held on this subject in the relevant forums.

4. The Libyan Arab Jamahiriya is of the opinion that adhering in word and in deed to the provisions of the United Nations treaties, their principles pertaining to outer space and the principles governing related activities will be among the most important confidence-building factors that will motivate all parties, in particular States that possess advanced technologies in the area of space capabilities, to adopt an approach characterized by greater transparency in their practices connected with space activities and their use of available technologies.

5. The Libyan Arab Jamahiriya reaffirms the importance of increased international awareness in defining outer space as the patrimony of all humanity and making known the potential destructive consequences, in the event of an arms race in outer space, and the armed struggles to which it might give rise.

Mexico

[Original: Spanish]
[22 May 2007]

1. Mexico supports the efforts of the international community to prevent an arms race in outer space and to promote international cooperation for the peaceful uses of outer space. In the Conference on Disarmament, it has supported proposals on preventing an arms race in outer space which recognize the need to preserve outer

space as the common heritage of humanity in order to promote its development and prevent its destruction.

2. It has also supported the adoption of General Assembly resolutions on the subject and reiterated the importance of support by the international community for the principle of peaceful uses of outer space through transparency and confidence-building, particularly among States with advanced technologies in this field.

3. Although the 1993 study on the application of confidence-building measures in outer space provided a broad panorama of such measures, emphasizing the importance of security, openness and predictability in the definition of this type of measure, Mexico would emphasize the advisability of conducting a new evaluation with specific recommendations which take into consideration changes in the international context and technological advances and generate elements conducive to the adoption of effective action promoting a cooperative climate of confidence.

4. Mexico also considers it desirable to prevail on States with space capabilities to declare that they will not be the first to deploy a weapon of any kind in outer space. This will no doubt lead to the adoption of commitments which will prevent an arms race in outer space.

5. Mexico further considers it fundamental to include a robust multilateral verification regime in the negotiation and adoption of an international instrument on the prevention of an arms race in outer space, thereby building confidence among States and helping to ensure full implementation of the instrument. Although the absence of internationally accepted definitions in relation to outer space could stand in the way of negotiations on a treaty on the prevention of an arms race in outer space, it is important to remember that, within the framework of the Conference on Disarmament in 1988, some delegations suggested that it would be possible, with the help of experts, to formulate a definition that not only described space weapons but also enumerated their components.

Portugal (on behalf of the European Union)

[Original: English]
[18 September 2007]

Concrete proposals by the European Union on international outer space transparency and confidence-building measures in the interest of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space

1. Introductory note

1. The prevention of an arms race in outer space is important for the strengthening of strategic stability and for the promotion of international cooperation in ensuring freedom of exploration and use of outer space for peaceful purposes for all States. The European Union continues to attach importance to this issue and remains firmly committed to the development and implementation of transparency and confidence-building measures as a means of strengthening security in the peaceful use of outer space. On that basis, the European Union voted unanimously in favour of resolution 61/75 on transparency and confidence-building measures in outer space activities. The broad support garnered by the resolution is a

clear indication of the need to develop a regime encompassing such measures based, inter alia, on the following principles:

(a) Freedom for all to use outer space for peaceful purposes;

(b) Preservation of the security and integrity of space objects in orbit; and

(c) Due consideration for the legitimate security and defence interests of States.

2. In response to the request made in resolution 61/75 for concrete proposals, the European Union would like to submit the following in the interests of maintaining international peace and security and promoting international cooperation and the prevention of an arms race in outer space, pursuant to resolution 61/58.

3. The European Union attaches great importance to the relevant existing agreements and sees them as the basis on which we should build. The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and Other Celestial Bodies, the 1968 Agreement on the Rescue of Astronauts, the 1972 Convention on International Liability for Damage Caused by Space Objects, the 1975 Convention on Registration of Objects Launched into Outer Space, the Comprehensive Nuclear-Test-Ban Treaty, the Hague Code of Conduct against Ballistic Missile Proliferation and the Principles Relevant to the Use of Nuclear Power Sources in Outer Space already provide for a variety of transparency and confidence-building measures in the field of outer space activities. On the basis of those agreements, certain spacefaring nations already voluntarily provide advance notice if there is reason to believe that their activities or experiments may interfere with and thereby harm the operation of another nation's space objects. In that connection, they share surveillance data to the maximum extent possible in order to improve safety. They also provide accurate and timely launch notification and registration. Lastly, they consult with others before taking any action that could prove harmful by interfering with space operations or space objects.

4. Those agreements go some way towards providing transparency and building confidence between space-capable and non-space-capable nations. However, not all spacefaring nations have adopted these transparency and confidence-building measures. The universalization and full implementation of all relevant agreements and treaties is therefore of the utmost importance.

5. The European Union also recognizes the relevant work carried out by the Committee on the Peaceful Uses of Outer Space. The recent agreement reached in the Committee on debris mitigation guidelines, based on the work of the Inter-Agency Space Debris Coordination Committee and on the 1999 Rex report on space debris (A/AC.105/720), was a useful development. The proposed Committee agenda item on the preservation of the space environment, which will include "rules of the road", for outer space, could also be an important step towards establishing best practices in space. The outcome of this work should be used as a basis for further transparency and confidence-building measures.

6. In the European context, a Code of Conduct for Space Debris Mitigation was concluded in 2004 and signed by the European Space Agency (ESA) and the other main European space agencies. That Code of Conduct is aimed at reducing the generation of debris in outer space which can damage space objects. The proposals

contained in that document could be used to expand the Committee's debris-mitigation guidelines so as to enable wider agreement on them.

7. Furthermore, during the current year, the European Union adopted the European Space Policy, aimed at fostering better coordination among the European Union, ESA and member States with respect to their activities and programmes, and at organizing their respective roles relating to space both in the civil and in the security and defence areas. Such improved coordination will make the activities of the European Union more visible and understandable to other nations and therefore lead to a better understanding of space policies. The European Union encourages other nations and regional groups to undertake similar activities.

8. The European Union would like to propose, in addition to existing arrangements, a comprehensive code of conduct on space objects and space activities. Such a code of conduct would respond to the provisions of resolution 61/75 and contribute to filling the gaps that are developing in the existing framework as we expand and diversify our use of outer space, thereby creating greater coherence among existing regulations and practices. Thus it would be possible, through a single instrument, to strengthen existing agreements and codify new best practices.

2. General principles governing a code of conduct on space objects and space activities

9. The European Union believes that the general principles of such a comprehensive code of conduct could be, inter alia:

(a) A commitment to make progress towards adherence to and full implementation of the relevant existing treaties, codes of conduct and guidelines regarding the peaceful use of space;

(b) A commitment to prevent space from becoming an area of conflict;

(c) Recognition of the fact that satellites and the use of space in general are essential to the safeguarding of national security and strategic stability; and

(d) A commitment to resolve, by peaceful means and through the formulation of concrete proposals, any conflict created by actions in space, taking account of States' inherent right to self-defence under Article 51 of the Charter of the United Nations.

3. Scope of a code of conduct on space objects and space activities

10. The key activities to be covered under such a code of conduct could include, inter alia, the avoidance of collisions and deliberate explosions, the development of safer traffic-management practices, the provision of assurances through improved information exchanges, transparency and notification measures, and the adoption of more stringent space debris mitigation measures.

11. In the implementation of such a comprehensive code of conduct, States could abide by the following best practices:

(a) Refrain from any manoeuvre or action that could cause, directly or indirectly, damage to or the destruction of satellites or space objects, and refrain from activities in space that create space debris;

(b) Avoid accidents and collisions with other objects in space; create special areas of caution in space and around satellites, designated by their controlling States and deserving of specific consideration by others;

(c) Put in place consultation mechanisms for resolving expeditiously any incident that has given or might give rise to concern;

(d) Provide information, on an annual basis, on the number and type of satellites launched during the preceding year;

(e) Maintain a register in which the information furnished by notification is recorded so as to avoid duplication;

(f) Provide appropriate prior notification to the launching State of a satellite if another State plans to approach that satellite;

(g) Ensure that comprehensive information is provided by each launching State on its space assets and that it adheres to and fully implements the 1975 Registration Convention, giving information on eccentricity, inclination and orientation;

(h) Consider possible additional cooperative measures aimed at enhancing compliance.

12. The European Union recommends that the technical aspects of the proposals be addressed in further detail by the Committee where relevant and within the mandate of the Scientific and Technical Subcommittee under the agenda item on the preservation of the space environment, and in due time submitted to the Committee on Disarmament for consideration as transparency and confidence-building measures in the context of the prevention of an arms race in outer space. Consideration of the proposals by the Committee and the Committee on Disarmament, in accordance with their respective mandates, must be properly coordinated in order to prevent duplication.

4. Participation in a code of conduct on space objects and space activities

13. Like the European Code of Conduct for Space Debris Mitigation and the Hague Code of Conduct against Ballistic Missiles Proliferation, a code of conduct for outer space would be voluntary and open to all States, and would lay down the basic rules to be observed by spacefaring nations. Given the dual-use character of many space objects, the code should apply to all such objects.

14. The scope of such a code of conduct would obviously depend on the willingness to participate of all States that carry out activities in outer space.

Russian Federation

[Original: Russian]
[11 May 2007]

1. The Russian Federation considers that confidence-building measures help to ensure peace, security and stability at all levels, to eliminate possible threats and overcome challenges to peace and security, and to prevent military confrontation, while facilitating the management of situations that could lead to international

tension. They make a significant contribution to improving inter-State relations and the development of dialogue and cooperation between countries.

2. Transparency and confidence-building measures in outer space activities, in view of the growing dependence of all countries in the world on the outcome of such activities, are an important component of confidence-building measures, which also include measures on land, at sea and in the air, and are intended to achieve similar aims. They are recognized as helping to prevent the emergence of outer space as a new sphere of confrontation, to avoid a new nuclear arms race and to establish conditions for the predictability of the strategic situation in outer space, the security of outer space activities and the protection of space assets. These measures may become a significant field for broad multilateral cooperation.

3. A number of transparency and confidence-building measures in outer space activities are already included in international agreements on outer space: the 1967 Outer Space Treaty, the 1968 Astronauts Rescue Agreement, the 1972 Liability Convention and the 1975 Registration Convention. Some of these measures are applied by States as a unilateral initiative and are political obligations.

4. Transparency and confidence-building measures are not, however, all embracing in terms either of their coverage of the various types of outer space activity or of the participation of States in their implementation. Joint work is needed on additional measures in this area that are appropriate to the current stage of development of humanity.

5. In this work it would be useful to consider the results of the study on the application of confidence-building measures in outer space that was conducted by a group of governmental experts over the period 1990-1993 (it is included in the report by the Secretary-General contained in document A/48/305) and also other related proposals introduced by States, including some proposals in connection with General Assembly resolution 61/75.

6. In order to conduct a more in-depth study of issues relating to transparency and confidence-building measures and the preparation of recommendations for further work in this area, it would be useful to establish a group of governmental experts with the appropriate mandate.

7. The proposals of the Russian Federation in relation to possible transparency and confidence-building measures which are both relevant and forward-looking are set out below. This list is not exhaustive in nature but could, in our opinion, serve as a basis for further discussion.

8. Possible transparency and confidence-building measures fall into several categories:

- Measures aimed at enhancing the transparency of outer space programmes;
- Measures aimed at expanding the information available on outer space objects in orbit;
- Measures related to the rules of conduct for outer space activities.

9. Such measures may be carried out in various ways, including exchange of information, familiarization visits, notifications, consultations and thematic workshops:

(a) Exchange of information on:

(i) The main directions of States' outer space policy;

(ii) Major outer space research and use programmes;

(iii) Orbital parameters of outer space objects;

(b) Familiarization visits:

(i) Expert visits, including visits to space launch sites, flight command and control centres and other facilities of outer space infrastructure;

(ii) Invitation of observers to launches of spacecraft;

(iii) Demonstrations of rocket and space technologies;

(c) Notification of:

(i) Planned spacecraft launches;

(ii) Scheduled spacecraft manoeuvres which could result in dangerous proximity to spacecraft of other States;

(iii) The beginning of descent from orbit of unguided space objects and the predicted impact areas on Earth;

(iv) The return from orbit into the atmosphere of a guided spacecraft;

(v) The return of a spacecraft with a nuclear source of power on board, in the case of malfunction and danger of radioactive materials descending to Earth;

(d) Consultations:

(i) To clarify the information provided on outer space research and use programmes;

(ii) On ambiguous situations, as well as on other issues of concern;

(iii) To discuss the implementation of agreed transparency and confidence-building measures in outer space activities;

(e) Thematic workshops on various outer space research and use issues, organized on a bilateral or multilateral basis, with the participation of scientists, diplomats, military and technical experts.

Ukraine

[Original: Russian]
[14 May 2007]

1. In the view of Ukraine, States must unswervingly comply with the provisions of the international agreements to which they are parties, namely:

- the basic United Nations treaties on outer space (particularly taking account of the provisions of article IV of the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies, of 27 January 1967; and article IV of the Convention on Registration of Objects Launched into Outer Space, of 14 January 1975);

- the Comprehensive Nuclear-Test-Ban Treaty, of 24 September 1996;
- the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and Under Water, of 5 August 1963.

2. Ukraine welcomes and supports the work of the multilateral non-proliferation regimes (the Missile Technology Control Regime, Nuclear Suppliers Group, the Zangger Committee, the Australia Group, and the Wassenaar Arrangement) and considers that the member States of these regimes must adhere to the provisions of their governing instruments in order to ensure transparency and increase confidence.

3. Ukraine proposes that the information from the annual declarations providing an outline of the policies of the States subscribing to the Hague Code of Conduct with respect to ballistic missile programmes and space launch vehicle programmes be used in order to draw up an annual generalized report to the Secretary-General.